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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

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EXAMINER
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MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/910,960

Applicant(s)

OLOFSSON ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-16, 18-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-16, 18-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

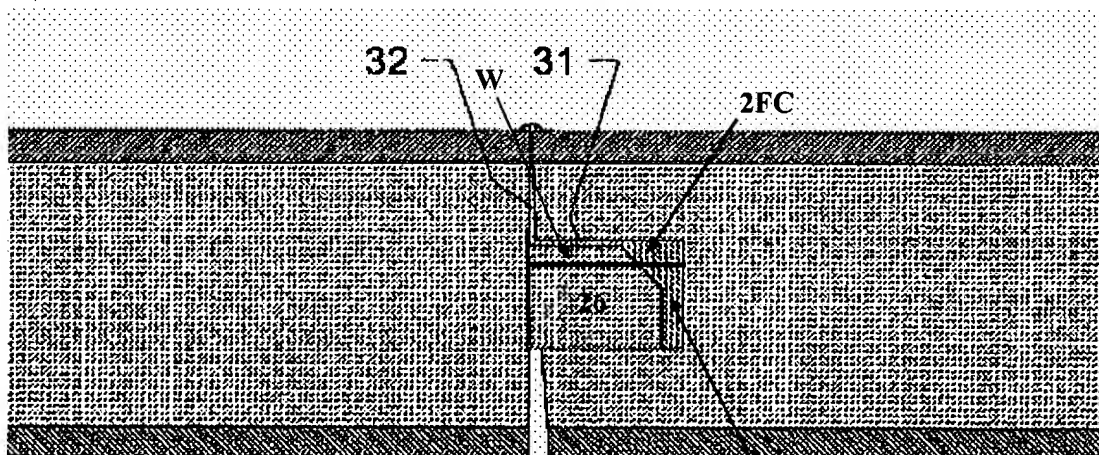
Claims 7 and 19 are objected to because of the following informalities:

- The limitation “the glue” (lines 14-15 of claim 7; and line 10 of claim 19) lacks proper antecedent basis and should be replaced with --glue--.
- The limitation “the manufacturing process” (line 15 of claim 7 lacks proper antecedent basis and should be replaced with --a manufacturing process--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### *Claim Rejections - 35 USC § 103*

Claims 3-7, 9-15, 18-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,618,602) (see marked-up figure below) in view of Martensson



**FIGURE - 4**<sup>1FC</sup>

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(WO96/27721).

Claim 7 (Independent). Nelson shows and discloses a guiding means at a joint between adjacent boards **10**, said boards comprising an upper surface **12**, and a core **13**, and bounded by edges, at least one of said edges comprising a groove **16** or a tenon **26**, said tenon **26** comprising a plurality of guiding wedges **W** (comprised of portions of **27** and **30**) wherein the tenon **26** has an angled distal surface and at least one of said guiding wedges **W** is positioned between said angled distal surface and the core **13**, wherein a fitting clearance between the tenon **26** of a first of said boards and a groove **16** of the adjacent board includes a first fitting clearance **1FC**, the first fitting clearance **1FC** being bounded by a distal end **29** of the tenon **26** and a proximal part **19** of the groove **16**, and a second, guiding, fitting clearance **2FC** which second, guiding, fitting clearance **2FC** being bounded by, on at least one side, at least one of said plurality of guiding wedges **W**, whereby the first fitting clearance **1FC** comprises the main part of the fit and the second, guiding, fitting, clearance **2FC** comprises a smaller part of the fit, and said at least one of said guiding wedges **W** comprises a distal angled surface **30** and a section **27** extending from said distal angled surface **30** of said guiding wedge to said core **13** (see figures 1-8, *especially* figure 1 and annotated figure 4 below); wherein glue **20** is applied during a manufacturing process of the boards (i.e., the manufacturing process shown in figures 1-4). Nelson fails to disclose that the at least one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges **9** arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art. Note that, in a product claim, the specific method of forming is not germane to the issue of patentability of the final product itself. Therefore, the limitation “during the manufacturing process of the boards” (last line of claim 7) has been given only limited patentable weight. See MPEP § 2113.

Claims 4-6 (each dependant from claim 7). Nelson shows (see figures 5-8) and discloses (column 5 lines 27-40) dimensions and tolerances for the tenon **26** and groove **16**. The resulting fit, given the tolerance ranges, includes the recited ranges.

Claim 8 (dependant from claim 7). Nelson shows and discloses a guiding wedge 27,30 but fails to teach a plurality of guiding wedges arranged parallel to the extension of the joint. Duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged parallel to the extension of the joint since duplication of components is within the ordinary skill of the art.

Claim 9 (dependant from claim 7) and claims 12-14 (dependant from claims 4-6). Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 15 (dependant from claim 7). Nelson, as applied above, further includes the core 13 of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate 11 (see figure 1 and column 3 lines 26-36).

Claim 16 (dependant from claim 8). Nelson, as applied above, further includes the core 13 of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate 11 (see figure 1 and column 3 lines 26-36).

Claim 18 (dependant from claim 7). Nelson further shows that said guiding wedge 27,30 *consists* of a distal angled surface 30 and a section 27 extending from said distal angled section 30 to said core 13 (see figure 1). That is, the guiding wedge is made up of only the distal angled section and the section extending therefrom to the core.

Claim 19 (Independent). Nelson shows and discloses a first board comprising an upper surface 12 and a core 13, and bounded by edges, at least one of the edges comprising a groove 16; in combination with a second board comprising an upper surface 12 and a core 13, and bounded by edges, at least one of the edges comprising a tenon 26; the tenon 26 of the second board comprising a guiding wedge 27,30, the guiding wedge 27,30 comprising a distal angled surface 30 and a section 27 extending from the distal angled section 30 to the core 13 (see figures 1-8, *especially* figure 1); wherein glue 20 is applied during manufacture of the boards (i.e., the manufacturing process shown in figures 2-4). Nelson fails to disclose that the atleast one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges 9 arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art

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device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art. Note that, in a product claim, the specific method of forming is not germane to the issue of patentability of the final product itself. Therefore, the limitation “during the manufacture of the boards” (last line of claim 19) has been given only limited patentable weight. See MPEP § 2113.

Claim 20 (dependant from claim 19). Nelson further shows the combination of the first board and the second board defines at least one fitting clearance (see figures 1-4).

Claim 21 (dependant from claim 20). Nelson further shows and discloses glue 20 disposed inside the at least one fitting clearance (see figures 2-4).

Claim 22 (dependant from claim 19). Nelson further shows and discloses that the glue 20 is disposed between the groove 16 of the first board and the tenon 26 of the second board (see figures 1-4).

Claim 23 (Independent). Nelson shows and discloses a process for forming a joint between adjacent boards, said boards comprising an upper surface 12, and a core 13, and bounded by edges, at least one of said edges comprising a groove 16 or a tenon 26 intended to be joined by means of glue 20 applied during manufacture of said boards (i.e., process of manufacture shown in figures 1-4), wherein a fitting clearance between the tenon 26 and the groove 16 includes a first fitting clearance, the first fitting clearance being bounded by a distal

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end 29 of the tenon 26 and a proximal part 19 of the groove 16, and a second, guiding, fitting clearance which second, guiding, fitting clearance being bounded by, on at least one side, a guiding wedge 27,30, whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit, and said guiding wedge 27,30 comprises a distal angled surface 30 and a section extending from said distal angled section 30 to said core 13 (see figures 1-8, *especially* figure 1), said process comprising assembling the adjacent boards to form said joint (see claim 11 and figures 1-4). Nelson fails to disclose that the atleast one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges 9 arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art. Note that, in a product claim, the specific method of forming is not germane to the issue of patentability of the final product itself. Therefore, the limitation “during the manufacture of said boards” (last lines 3-4 of claim 23) has been given only limited patentable weight. See MPEP § 2113.

Claim 3 (dependant from claim 23). Nelson further shows and discloses the glue 20 is activated before joining the tenon 26 with the groove 16 (see figures 2-4)



Claim 10 (dependant from claim 23). Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 11 (dependant from claim 3). Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 25 (dependant from claim 23). Nelson further shows applying the glue **20** to said at least one edge **19**.

### ***Response to Arguments***

Applicant's arguments with regard to the claim rejections have been fully considered but they are not persuasive.

The applicant argues that the Martensson guiding wedges (9) are arranged parallel to rather than perpendicular to the joint between the boards. This is not persuasive. The mortice and tenon joint of Martensson extends parallel to the boards whereas the Martensson wedges (9) extend upwards and downwards, **thier centerline forming a right angle of 90 degrees with the tenon joint**, thus meeting the limitation of “perpendicular to the joint”. The word “perpendicular” is taken by the examiner to mean “being at a right angle with a given line or plain” in accordance with Merriam-Webster’s Collegiate Dictionary Tenth Edition.

The applicant argues that Nelson fails to claim that glue is applied during manufacture of said boards. This is not persuasive, since Nelson discloses that glue **20** is applied during manufacture of said boards (i.e., process of manufacture shown in figures 1-4). Furthermore,

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Note that, in a product claim, the specific method of forming is not germane to the issue of patentability of the final product itself. Therefore, the limitation “during the manufacture of said boards” has been given only limited patentable weight. See MPEP § 2113.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

*VLM*

VLM

April 17, 2006

*Daniel P Stodola*

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